



October 29, 1999

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Dear Ted,

Thank you for letters #89 and #89a, which arrived on Tuesday. This is a difficult letter for me to write. I hope to move us in the right direction, and I hope that is the spirit in which it is received.

Since much of letter #89 was contractual language, I passed it on to Miller and Korzenik. Miller has drafted his own letter in response, at my request, since I felt it was pointless for me to comment on points of law. It is my understanding that by "good faith steps," Miller meant that the attorneys representing Context would do everything they could, in the event of an action, and as legal counsel to Context, to avert the possibility of discovery that might harm your appeal prospects in the unlikely event of a civil action brought against *Truth versus Lies*. With regard to the amendment you wrote to the contract, it was unexpected, and represents a cost to Context that I cannot risk since you stipulate an open-ended commitment. Miller comments on this specifically in his letter, which you should get presently. I realize that there is the technical possibility of a conflict of interest with regard to my lawyers protecting you from a subpoena and simultaneously representing Context in the event of a civil suit. I can only point to the loyalty I have shown you thus far, and then assure you that I would insist that they served us equally.

I am uncomfortable with Denvir and Clarke holding counsel on the above matters, too. No matter how selfless they may be, there is the possibility that they have a conflict with regard to Context, which has publicly supported your appeal and published a book that questions the manner in which they served you. I may be incorrect, but it seems a feasible conflict. I have enjoyed the few conversations I had with Denvir, and bear no personal ill will. I'm just not sure the same applies vice versa. I'll have Miller cc Denvir on the letter I've mentioned in the above paragraph.

(#89a, ¶ 3): I've explained the reasoning behind the changes that were made in recent letters. The changes are also discussed in Miller's letter. With regard to letter #87, where you found tacit acceptance of your assumption with regard to the paraphrasing and summaries of your brother's letters, there was a serious misunderstanding. I apologize for my part in it, since I assumed the same thing you were thinking in reverse. I thought you understood the terms predicated by the

Fair Use Doctrine, and that the revisions were to encompass all of the quoted material from the letters and other material for which we were not granted permissions.

(¶ 4-5): You shouldn't thank me for respecting the terms of the contract, as I never considered breaching it, but I appreciate the comment. I hope that you will return the courtesy. Thank you very much for the "acidic" well-wishing, which made me laugh— sends her regards.

(p. 1, ¶ 1b-p.2): I am glad to hear that there will be no difficulties with regard to the information that is drawn from your 1979 Autobiography. And I understand how you feel, to some extent, since I'm tired of this, too. But I think that there is light at the end of the tunnel with regard to the publication of your book, which will allow you to focus your energy on the appeal. I cannot imagine how stressful everything, taken together, must be for you at the moment. I am confident that the two issues can be settled. We have already signed an agreement that states the conditions of publication. The additional conditions—having come up long after we signed our agreement—are extra-contractual, and as such have no bearing on us getting this thing done. I intend to stand by my word with regard to the concerns you have expressed. In the mean time, there are Miller's revisions that you wanted to change, and we should focus energy there.

With regard to the evolution of my stance vis-à-vis legal corrections, I asked Miller to comment on the reasons for it. As for my hurry, this project has actually moved slower than industry standards normally dictate. I do not like the fact that the schedule has caused you to feel rushed. I have explained some of the mechanics in previous letters. The bottom line is that I cannot function in a vacuum without going out of business, and various pressures do dictate the schedule and timing of publication of any book.

(p. 5, ¶ 2): I do have copies of the tapes from Dubner's interview, and as soon as I am able to get reliably safe (i.e., confidential) access to a tape dubbing machine, I will get copies off to Denvir. Would you like me to send another set to By now you will have received a copy of the *Time* article.

(p. 5, ¶ 3): With regard to your request that I change the copy on the front flap of the jacket, I neither intended the suggestion that the book was only a refutation of the illness allegation, nor in my opinion does it suggest that in the copy. In your book, you offer particular instances that cause the reader to distrust the allegations made by David and your mother (i.e., "particular states") and the text expresses this precisely (i.e., "This discussion leads to.... a Cain and Abel tale..."). Furthermore, this point is not made at all until the penultimate paragraph (the majority of which being dedicated to the Cain and Abel dimension). The first paragraph sets the tone, and explicitly states your intention: to set the record straight. (I couldn't get the term "bullshit" past Miller and Korzenik.) I hope that you will reconsider this request since the jackets have already been printed, and it will cost in the neighborhood of six thousand dollars to have those sheets destroyed, and a new jacket reprinted. In the event that you stand firm on this point, please let me know how you would like me to phrase this particular sentence.

My best,
Bren.